

Kenneth J. Kelly  
James S. Frank  
Kenneth W. DiGia  
Epstein Becker & Green, P.C.  
250 Park Avenue  
New York, New York 10177  
(212) 351-4500

Terence K. McLaughlin  
Willkie Farr & Gallagher  
787 Seventh Avenue  
New York, New York 10019  
(212) 728-8000

Attorneys for Defendants New York-Presbyterian Healthcare  
System, Inc., Herbert Pardes and Wayne Osten

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MASAHIRO NAKAHATA, DIANA GARDOCKI and:	:
CYNTHIA DELANCY,	:
	: <b>ECF CASE</b>
on behalf of themselves and all other employees similarly:	:
situated,	:
	: Docket No. 11-cv-6658(PAC) (RLE)
Plaintiffs,	:
	: <b>NEW YORK-PRESBYTERIAN HEALTHCARE</b>
- against -	: <b>SYSTEM, INC.'S, HERBERT PARDES' AND</b>
	: <b>WAYNE OSTEN'S NOTICE OF MOTION TO</b>
NEW YORK-PRESBYTERIAN HEALTHCARE	: <b>DISMISS THE COMPLAINT PURSUANT TO</b>
SYSTEM, INC., THE NEW YORK AND	: <b><u>FED. R. CIV. P. 12(B)(6)</u></b>
PRESBYTERIAN HOSPITAL, HERBERT PARDES,	:
M.D. AND WAYNE OSTEN,	:
Defendants.	:
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**PLEASE TAKE NOTICE** that, based upon the accompanying affidavit of Wayne Osten, sworn to on February 15, 2012 and the exhibit attached thereto, Defendants New York-Presbyterian Healthcare System, Inc., Herbert Pardes and Wayne Osten, by their attorneys, Epstein Becker & Green, P.C. and Willkie Farr & Gallagher, will move this Court, before the Honorable Paul A. Crotty, United States District Judge, United States District Court, United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New

York, at a date and time to be determined by the Court, for an Order (1) pursuant to Fed. R. Civ. P. 12(b)(6) dismissing the Complaint with prejudice; and (2) awarding New York-Presbyterian Healthcare System, Inc., Herbert Pardes and Wayne Osten such other relief that the Court deems proper. The said Defendants also join in the motion of Defendant The New York and Presbyterian Hospital to dismiss the Complaint and hereby adopt the arguments made by The New York and Presbyterian Hospital in its memorandum of law in support of said motion.

New York, New York  
February 21, 2012

EPSTEIN BECKER & GREEN, P.C.

By: /s/ Kenneth J. Kelly  
Kenneth J. Kelly  
James S. Frank  
Kenneth W. DiGia  
250 Park Avenue  
New York, New York 10177-1211  
(212) 351-4500

WILLKIE FARR & GALLAGHER

By: /s/ Terence K. McLaughlin  
Terence K. McLaughlin  
787 Seventh Avenue  
New York, New York 10019  
(212) 728-8000

Attorneys for Defendants  
New York-Presbyterian Healthcare System, Inc.,  
Herbert Pardes and Wayne Osten

To: James Nelson Thomas, Esq.  
Michael James Lingle, Esq.  
Jessica Lynne Witenko, Esq.  
Annette Marie Gifford, Esq.  
Attorneys for Plaintiffs